

LEVELS THAT WOULD OCCUR IF THE STRUCTURE OR LAND USE WERE OUTSIDE OF THE NOISE ZONE.

(B) APPLICATION.

ANY PERSON WHO DESIRES TO USE HIS PROPERTY IN A MANNER PROHIBITED BY A NOISE ZONE REGULATION ADOPTED UNDER THIS PART MAY APPLY TO THE BOARD FOR A VARIANCE FROM THE REGULATION.

(C) CONDITIONS ON VARIANCE.

THE BOARD MAY CONDITION ANY VARIANCE SO AS TO REQUIRE THE OWNER OF ANY STRUCTURE OR LAND USE TO WHICH THE VARIANCE APPLIES TO CONSTRUCT THE PROPOSED STRUCTURE OR TO REPAIR, REPLACE, OR CHANGE THE STRUCTURE OR USE OF LAND AT HIS EXPENSE IN A WAY THAT MEETS THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from the last part of Art. 1A, §8-803(d) (2).

Subsection (b) of this section is new language added for clarity and patterned after the similar provisions of §5-614(b) of this title.

5-816. JUDICIAL REVIEW.

(A) RIGHT OF APPEAL.

THE ADMINISTRATION, ANY AGGRIEVED PERSON, ~~ANY TAXPAYER,~~ OR ANY OFFICER OR AGENCY OF THE POLITICAL SUBDIVISION MAY APPEAL FROM A DECISION OF THE BOARD OF APPEALS TO A COURT OF COMPETENT JURISDICTION.

(B) TAKING EVIDENCE; REPORT OF COMMISSIONER.

IF, AT THE HEARING, IT APPEARS TO THE COURT THAT TESTIMONY IS NECESSARY FOR THE PROPER DISPOSITION OF THE MATTER, THE COURT MAY TAKE EVIDENCE OR APPOINT A COMMISSIONER TO TAKE THE EVIDENCE THAT THE COURT DIRECTS AND REPORT TO THE COURT WITH HIS FINDINGS OF FACT AND CONCLUSIONS OF LAW. THESE FINDINGS AND CONCLUSIONS CONSTITUTE A PART OF THE PROCEEDINGS ON WHICH THE DETERMINATION OF THE COURT SHALL BE MADE.

(C) REVERSING, AFFIRMING, OR MODIFYING DECISION.

THE COURT MAY:

(1) REVERSE, AFFIRM, OR MODIFY THE DECISION BROUGHT UP FOR REVIEW; AND

(2) IF NECESSARY, ORDER FURTHER PROCEEDINGS BY THE BOARD OF APPEALS.